

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ORLANDO MARCELL MCDONALD

PLAINTIFF

v.

No. 2:20-CV-02098

DEPUTY TREVOR MASSEY, et al.

DEFENDANTS

ORDER

The Court has received a report and recommendations (Doc. 32) from United States Magistrate Judge Mark E. Ford. Plaintiff has filed objections. The Magistrate recommends that the Court grant in part Defendants' motion (Doc. 17) to dismiss for failure to state a claim. The Court has conducted de novo review of those portions of the report and recommendations to which Plaintiff has objected. 28 U.S.C. § 636(b)(1). Plaintiff's objections offer neither law nor fact requiring departure from the Magistrate's findings. The report and recommendations is proper, contains no clear error, and is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss (Doc. 17) is GRANTED IN PART, and Plaintiff's official capacity claims, First Amendment retaliation claims and state law fraud claims arising out of his falsification of documents allegations, and denial of medical care claims arising out of the removal of his sutures are DISMISSED WITH PREJUDICE. The motion is otherwise DENIED, and Plaintiff's remaining claims remain pending.

IT IS SO ORDERED this 7th day of October, 2020.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE